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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 HIGH TECH BURRITO CORPORATION,  
12 Plaintiff,

Case No. C06-04341 SI

13 v.  
14 AMRESCO COMMERCIAL FINANCIAL,  
15 LLC, as successor in interest  
to AMRESCO COMMERCIAL  
16 FINANCIAL, INC.; DOES 1-10,  
Inclusive,

**STIPULATION AND [PROPOSED] ORDER  
EXTENDING DATES FOR OPPOSITION TO  
MOTION TO DISMISS ACTION AND  
REPLY BRIEF**

17 Defendants

18 The parties hereto stipulate, through counsel, as follows:

19 1. The motion to dismiss complaint for failure to state a  
cause of action of Defendant AMRESCO COMMERCIAL FINANCE, LLC is  
20 set for hearing on September 29, 2006.

21 2. Under Civil L.R. 7-3, an opposition to a motion must be  
22 served and filed not less than 21 days before the hearing, and a  
23 reply to an opposition served and filed by the moving party not  
24 less than 14 days prior to the hearing on the motion. To be  
25 timely under this rule, the opposition of Plaintiff HIGH TECH  
26 BURRITO CORPORATION should be served and filed on September 8,  
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1 2006, and the reply of Defendant AMRESCO COMMERCIAL FINANCE, LLC  
2 should be served and filed on September 15, 2006.

3 3. Counsel for Plaintiff has had an unexpected increase in  
4 workload which interfered with his ability to prepare an  
5 opposition to the present motion.

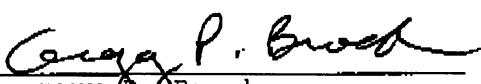
6 4. Counsel for Defendant has graciously agreed as a  
7 courtesy to allow Plaintiff's counsel to serve and file an  
8 opposition to the motion on September 12<sup>th</sup> on condition that  
9 Defendant's reply would be served and filed on September 19<sup>th</sup>.

10 5. No undue prejudice or delay will arise from this  
11 accommodation.

12 SO STIPULATED BY:

13 Dated: September 7, 2006

JON YORK & ASSOCIATES

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16 Gregory P. Brock,  
17 Attorneys for Plaintiff,  
HIGH TECH BURRITO CORPORATION

18 Dated: September 7, 2006

DLA PIPER US LLP

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20 Matthew S. Covington,  
21 Attorneys for Defendant,  
AMRESCO COMMERCIAL FINANCIAL,  
LLC

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## **ORDER**

Good cause appearing therefore, IT IS HEREBY ORDERED that Plaintiff's opposition to Defendant's motion to dismiss complaint for failure to state a claim shall be served and filed on or before September 12, 2006. Defendant's reply brief shall be served and filed on or before September 19, 2006.

SO ORDERED.

Dated: \_\_\_\_\_

Susan Illston  
The Hon. Judge Susan Illston  
United States District Judge